IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

WP(C).No. 32987 of 2007(B)

PETITIONER:

ASHA MURALIDHARAN, DEVA SADANAM,
MANJADY P.O., THIRUVALLA, PATHANAMTHITTA DIST.

BY ADV. SRI.R.SANTHOSH BABU

RESPONDENTS:

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1. THE SECRETARY, THIRUVALLA MUNICIPALITY,
THIRUVALLA-689 101.

2. MADHUSOODANAN PILLAI,
MURIKKANATTIL, MEENTHALA KARA,
MANJADY P.O., THIRUVALLA, PATHANAMTHITTA-689 101.

R1 BY ADV.MR.S.SUBHASH CHAND, S.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C) No.32987 of 2007

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Dated: 7th November, 2007

JUDGMENT

In the nature of the orders which are being passed hereunder, it is not necessary to issue notice to the 2nd respondent. The Tribunal for Local Self Government Institutions set aside Ext.P3 order passed by the Municipality and passed Ext.P6 judgment. Under Ext.P6 the Municipality is given liberty to initiate fresh proceedings as indicated in the judgment under Section 406 of the Kerala Municipality Act for the removal of the objectionable constructions put up by the 2nd respondent. The grievance of the petitioner is that after Ext.P6, the Municipality has not taken any steps at all, and that the constructions continued to be objectionable and have not been removed. Considering the averments in the Writ Petition and the submissions addressed at the Bar by the counsel for the petitioner and the Standing Counsel for the 1st respondent-Municipality, the Writ Petition will stand disposed of with the following directions:

The petitioner will immediately submit a representation before the Secretary of the 1st respondent-Municipality voicing her grievances and requesting the Municipality to take immediate action under Section 406. Once such a representation is received by the

Municipality, the Municipality will imbibe the spirit of the penultimate paragraph of Ext.P6 judgment, initiate action under Section 406 and finalise the action in accordance with law at the earliest and at any rate within three months from today.

srd **PIUS C.KURIAKOSE, JUDGE**